

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRIAN JOHNSON, et al, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

MICROSOFT CORPORATION,
a Washington corporation,

Defendant.

No. CV 06-0900 RAJ

**PLAINTIFF CHARLES ELLIS –
NOTICE OF APPEAL**

Plaintiff Charles Ellis hereby appeals to the United States Court of Appeals for the Ninth Circuit from the following Orders and Judgments:

1. Order and Judgment granting Defendant's Motion for Summary Judgment to dismiss his breach of contract claims, entered in this action on June 23, 2009;

2. Order denying Plaintiff Charles Ellis' Motion for Summary Judgment against Microsoft on his breach of contract claims, entered in this action on June 23, 2009;

The above identified Orders and Judgment were made final and appealable by the Order dismissing with prejudice the claims of Charles Ellis, entered on September 2, 2009.

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2 DATED this 30th day of September, 2008.

3 By /s
4 Alan Himmelfarb
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REPRESENTATION STATEMENT

Pursuant to Federal Rule of Appellate Procedure 12(b) and Circuit Rule 3-2(b), the following are the parties to this action, along with the names, addresses and telephone numbers of their respective counsel.

Name and Address of Counsel

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PROOF OF SERVICE(JOHNSON, *et al.*, v. MICROSOFT CORP., No. C06-0900 RAJ)

I am a resident of the State of California, and over the age of 18, and not a party to within action; my business address is 2757 Leonis Blvd, Vernon, CA 90058.

On September 30, 2009, I filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to the following:

Addressee	Represent	Service
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Executed on September 30, 2009 at Los Angeles, California.

_____/s/_____
Alan Himmelfarb